

(Counsel listed on following pages)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOE LEWIS LUQUE AND HERMAN
RICHARDSON, Individually and On Behalf
of All Others Similarly Situated,

Plaintiffs,

v.

AT&T CORP., PACIFIC BELL
TELEPHONE CO. d/b/a AT&T
CALIFORNIA, AND AT&T
COMMUNICATIONS OF CALIFORNIA,
INC.,

Defendants.

No. 3:09CV5885 (CRB)(JCS)

JOINT STIPULATION

1 Counsel for Plaintiffs:

2 JANETTE WIPPER (Cal. State Bar No. 275264)
3 SANFORD HEISLER, LLP
4 555 Montgomery Street, Suite 1206
5 San Francisco, California 94111
6 Telephone: (415) 795-2020
7 Facsimile: (415) 795-2021
8 jwipper@sanfordheisler.com

9 DAVID SANFORD (DC Bar No. 457933)(*Pro Hac Vice*)
10 SANFORD HEISLER, LLP
11 1666 Connecticut Ave NW
12 Suite 300
13 Washington, DC 20009
14 Telephone: (202) 499-5200
15 Facsimile: (202) 499-5199
16 dsanford@sanfordheisler.com

17 JEREMY HEISLER (N.Y. State Bar No. 1653484)
18 SANFORD HEISLER, LLP
19 1350 Avenue of the Americas, 31st Floor
20 New York, New York 10022
21 Telephone: (646) 402-5650
22 Facsimile: (646) 402-5651
23 jheisler@sanfordheisler.com

24 MICHAEL RAM (Cal. State Bar No. 104805)
25 KARL OLSON (Cal. State Bar No. 104760)
26 RAM, OLSON, CEREGHINO & KOPCZYNSKI LLP
27 555 Montgomery Street, Suite 820
28 San Francisco, California 94111
Telephone: (415) 433-4949
Facsimile: (415) 433-7311
mram@rocklawcal.com
comkolson@rocklawcal.com

EDMOND CLARK (Conn. State Bar No. 418915)
LAW OFFICE OF EDMOND CLARK
83 Scotland Avenue
Madison, Connecticut 06443
Telephone: (203) 245-4602
Facsimile: (203) 245-9734
Eclarkmadisonlaw@aol.com

24

25

26

27

28

1 Counsel for Defendants:

2 J. AL LATHAM, JR. (Cal. State Bar No. 071605)

3 PAUL HASTINGS LLP

4 515 South Flower Street, 25th Floor

5 Los Angeles, California 90071

6 Telephone: (213) 683-6000

7 Facsimile: (213) 627-0705

8 allatham@paulhastings.com

9 JEFFREY D. WOHL (Cal. State Bar No. 096838)

10 JEFFREY P. MICHALOWSKI (Cal. State Bar No. 248073)

11 PAUL HASTINGS LLP

12 55 Second Street, 24th Floor

13 San Francisco, California 94105-3441

14 Telephone: (415) 856-7000

15 Facsimile: (415) 856-7100

16 jeffwohl@paulhastings.com

17 jeffmichalowski@paulhastings.com

18 WILLIAM CORY BARKER (Georgia State Bar No. 037727)

19 PAUL HASTINGS LLP

20 600 Peachtree Street, N.E., 24th Floor

21 Atlanta, Georgia 30308

22 Telephone: (404) 815-2400

23 Facsimile: (404) 815-2424

24 corybarker@paulhastings.com

25

26

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1 Plaintiffs Joe Lewis Luque and Herman Richardson and defendants Pacific Bell
 2 Telephone Company, AT&T Corp., and AT&T Communications of California, Inc., acting
 3 through their respective counsel of record, hereby stipulate as follows:

4 1. The parties have mediated all claims in this action and have reached a class
 5 settlement that is subject to Court approval. The parties have also reached a settlement of the
 6 claims in *Lawson et al. v. BellSouth Telecomm., Inc.*, 1:09-CV-3528-JEC (N.D. Ga.) and *Perkins,*
 7 *et al. v. Southern New England Telephone Co.* 3:07-CV-967-JCH (D. Conn.).

8 2. A preliminary approval hearing in this matter was held on October 12, 2012, after
 9 which the Court granted preliminary approval of the settlement in this action and ordered that
 10 notice of the settlement be published. (Doc. 191). The Court ordered the parties to submit a
 11 revised proposed order incorporating publication of notice and the changes to Class Counsel's
 12 firm name and individual attorney designations that were raised at the hearing.

13 3. Per the terms of the agreement reached by the parties, the \$27,050,000 in
 14 settlement funds allocated to this action and the *Lawson* case were to be apportioned between the
 15 two cases on a pro rata basis based on the number of class member workweeks eligible for
 16 compensation in the respective lawsuits. (Doc. 183, ¶34).

17 4. Plaintiffs' counsel recently discovered that in performing the apportionment
 18 calculations, workweeks in which class members in the *Lawson* case supervised employees in
 19 two of the outside technician job titles were mistakenly excluded from the computation of
 20 eligible workweeks despite meeting the collective action definition in the *Lawson* case.

21 5. The corrected allocation of compensable workweeks between the individuals in
 22 the two cases results in a pro rata settlement amount of \$18,920,325 in this action. This amount
 23 represents a decrease of less than 3% from the \$19,407,164 settlement amount incorrectly
 24 allocated to this action in the Joint Stipulation of Class Settlement and Release previously
 25 submitted to the Court. (Doc. 183-1).

26 6. The corrected settlement amount more accurately effectuates the parties' intent of
 27 apportioning the settlement funds allocated to this action and the *Lawson* case on a pro rata basis
 28 based on the number of workweeks eligible to be compensated in the respective lawsuits.

1 7. Plaintiffs' Motion for Preliminary Approval also included references to the
2 Maximum Payment amount, attorneys' fee amounts, anticipated maximum individual recovery
3 and service payments as a percent of the Maximum Payment. Based on the revised Maximum
4 Payment, the anticipated maximum individual recovery is \$18,475, not including service
5 payments being sought for a number of the Class Members. Service payments are 0.67% of the
6 revised Maximum Payment.

7 8. The parties have executed a corrected Joint Stipulation of Class Settlement and
8 Release that includes the corrected Maximum Payment amount, the corresponding corrected
9 attorneys' fee amount, the changes to Class Counsels' firm name and individual attorney
10 designations, and the increased estimated costs of administration attributable to publishing notice
11 of settlement as ordered by the Court. The corrected Joint Stipulation of Class Settlement and
12 Release is attached hereto as Exhibit A.

13 9. The parties have also corrected the proposed Class Notice to reflect the corrected
14 Maximum Payment, the changes to Class Counsels' firm name and individual attorney
15 designations, and the increased estimated costs of administration attributable to publishing notice
16 of settlement as ordered by the Court. The corrected Class Notice is attached hereto as Exhibit B.

17 10. The parties have also drafted a notice of settlement for publication as ordered by
18 the Court. The notice of settlement for publication is attached hereto as Exhibit C.

20 Dated: November 16, 2012. DAVID SANFORD
21 JANETTE WIPPER
JEREMY HEISLER
SANFORD HEISLER, LLP

MICHAEL RAM
KARL OLSON
RAM, OLSON, CEREGHINO & KOPCZYNSKI LLP

**EDMOND CLARK
LAW OFFICE OF EDMOND CLARK**

By: /s/ David Sanford

David Sanford

Attorneys for Plaintiffs

Joe Lewis Luque and Herman Richardson

1 Dated: November 16, 2012. J. AL LATHAM, JR.
2 JEFFREY D. WOHL
3 JEFFREY P. MICHALOWSKI
4 WILLIAM CORY BARKER
5 PAUL HASTINGS LLP

6 By: /s/ William C. Barker
7 William C. Barker
8 Attorneys for Defendants
9 AT&T Corp., Pacific Bell Telephone Company, and
10 AT&T Communications of California, Inc.

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